

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

GERRY CASSELL,

Plaintiff,

v.

CIVIL ACTION NO. 2:13-cv-032598

MEDVENTURE TECHNOLOGY CORPORATION, *et al.*,

Defendants.

MEMORANADUM OPINION AND ORDER

On November 10, 2020, I entered an order directing plaintiff Gerry Cassell to show cause on or before December 10, 2020, why her case should not be dismissed as to MedVenture Technology Corporation (“MedVenture”) and Boston Scientific Corporation (“BSC”) for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and Rule 41.1 of the Local Rules of Civil Procedure.

Plaintiff Gerry Cassell has not responded to the Show Cause Order. The court **ORDERS**, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and Rule 41.1 of the Local Rules of Civil Procedure and after weighing the factors identified in *Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989), that MedVenture and BSC are dismissed without prejudice. No defendants remain, and the court **DIRECTS** the Clerk to dismiss the case and strike it from the active docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: December 11, 2020


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE